



The penalty, probation and parole eligibility, and other consequences of an offense charged under HB 109 shall be the same as for the offense when charged based on an individual act.

### **Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost**

**Since it is likely that an individual will be arrested and prosecuted only once for numerous offenses arising out of single course of conduct, it is likely that local law enforcement will have a minimal increase in duties. Since HB 109 creates another prosecutorial option for the same conduct, when an individual is denied bail, that denial will cover several alleged crimes. The impact on local jails is indeterminate because it is not known how many people will be prosecuted under this act.**

Current law cited in Part II of this Local Mandate provides for prosecution of offenses against vulnerable victims. Furthermore, KRS 505.020 already permits multiple prosecutions for a single course of conduct. In light of that fact, HB 109 establishes another prosecutorial option for the same conduct. **It is likely that the individual will be arrested and prosecuted only once for numerous offenses arising out of a single course of conduct. Therefore, it is likely that local law enforcement will have nil to minimal increase in duties.**

HB 109 creates one Class A misdemeanor for repeated violations of KRS 508.120 in a continuing course of conduct. A person convicted of a Class A misdemeanor may be incarcerated for up to one year. Misdemeanants are housed in one of Kentucky's 78 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day. While the majority of misdemeanor defendants are granted bail, those who are not granted bail will also cost jails an average of \$31.34 per day.

HB 109 creates various Class D and Class C felonies.

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 78 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average cost of \$31.34 per day. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.34 per day to house a Class D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the estimated housing cost.

When a court denies bail to a Class C felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 78 full service jails or life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day. Convicted Class C felons are ineligible for placement in local jails until

they are classified at the lowest custody level with 18 months or less in their minimum expiration date or parole eligibility date. The Department of Corrections pays local jails \$31.34 per day to house these Class C felons. Since the per diem pays for the estimated average cost of housing a Class C felon, the per diem may be less than, equal to, or greater than the actual housing cost.

**Data Source(s):** Department of Corrections; LRC staff; KRS; Kentucky Sheriffs Association; Kentucky Jailers Association

**Preparer:** Scott Varland **Reviewer:** JWN **Date:** 1/13/16